

# Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**1 FEBRUARY 2017**

**DEV/FH/17/006**

## Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/15/2577/FUL – KENTFORD LODGE,  
HERRINGSWELL ROAD, KENTFORD**

### **Synopsis:**

Application under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and associated matters.

### **Recommendation:**

**It is recommended that the Committee determine the attached application and associated matters.**

### **CONTACT OFFICER**

Case Officer: Sarah Drane

Email: [Sarah.Drane@westsuffolk.gov.uk](mailto:Sarah.Drane@westsuffolk.gov.uk)

Telephone: (01638) 719432

# Committee Report

**Date** 13.01.2016 **Expiry Date:** 13.04.2016 (extended to 6.2.2017)  
**Registered:**

**Case** Sarah Drane **Recommendation:** Approve

**Officer:**

**Parish:** Kentford **Ward:** South

**Proposal:** Planning Application DC/15/2577/FUL - (i) Proposed Development of 22 no. dwellings (including 9 no. affordable dwellings) and garages (ii) Creation of a new access onto Herringswell Road and the upgrading of an existing access onto Herringswell Road (iii) Provision of amenity space and associated infrastructure, following the demolition of an office, residential annex and stables

**Site:** Kentford Lodge, Herringswell Road, Kentford

**Applicant:** Kentford Developments Ltd (Promoter)

## Background:

**This application is referred to the Development Control Committee as it is a major application and the Parish Council object, contrary to the Officer recommendation of APPROVAL.**

**A site visit is due to take place on Monday 30 January 2017.**

## Proposal:

1. This application, as submitted sought permission for 22 dwelling, 9 of which would be affordable (40%). The affordable housing is positioned where the previously approved (under F/2013/0061HYB) office space was proposed to the north of the site, adjacent to the A14 and is a mix of 1, 2 and 3 bed units.
2. Access remains as previously approved under F/2013/0061HYB, off Herringswell Road. In relation to the market housing, 6 of the 13 plots are accessed from a separate access off Herringswell Rd which would also serve Kentford Lodge. The other 7 are accessed off the main access into the site (and adjoining site approved under F/2013/0061HYB). Plots 11, 12 and 13 immediately to the north of Kentford Lodge would replace the existing estate office and stable buildings. The market dwellings are a mix of 3, 4 and 5 bed units and have sufficient parking for at least 2 spaces. Out of the 13 market homes, 4 of these were previously approved under F/2013/0061HYB (as the site area overlaps).

3. The scheme has been amended twice since submission.

Firstly as follows (August 2016):

- Reduction in number of market homes by 1 (now 12 market and 9 affordable – 21 in total)
- Only 1 plot in front of Kentford Lodge, creating a landscaped approach to Kentford Lodge. This better separates Kentford Lodge from the rest of the development. The remainder of the dwellings are now served off the main access into the site
- The stables and estate office buildings are now being retained and converted/extended to create 2 separate dwellings (plots 11 and 12)
- Plots 2 – 9 have been reconfigured in the style of converted farmhouse, barns and rural cottages and are separated from plot 1 and Kentford Lodge by substantial new landscaping.
- The design of affordable housing plot 7 has been amended, as well as the related access to these units to improve security. The car parking configuration has also been changed to gain an additional space (18 spaces for 9 units).

Secondly as follows (December 2016):

- Affordable housing plot A1 has been changed from 3 to 4 bed. One additional parking space has also been added (19 spaces for 9 units).
- The landscape plan and tree survey have been updated to reflect the last lot of amendments
- The Flood risk assessment and drainage assessment has also been updated to reflect all changes.

#### **Application Supporting Material:**

4. The following documents were submitted to support this application when it was registered:

- Forms and drawings
- Planning, Design & Access Statement
- Heritage report
- Noise Assessment
- Ecology report
- Cannon Consulting Transport Strategy
- Envirocheck report
- Arboricultural Impact Assessment.
- Landscape Strategy plan
- Statement of Community Involvement
- Flood Risk Assessment and Drainage Assessment
- Draft Proposed Heads of Terms Document

#### **Site Details:**

5. The site is located close to the centre of Kentford, to the north of Bury Road and west of Herringswell Road and covers an area of approx. 1.6 hectares. It is currently land associated with Kentford Lodge (garden,

paddocks etc) and lies outside of the defined settlement boundary for Kentford.

6. The site is currently accessed off Herringswell Road. Kentford Lodge also has a private access off Bury Road. To the north is the landscaped embankment to the A14. To the east is Herringswell Road and further residential properties. To the south are various styles and ages of property fronting onto Bury Road. Further to the west is the residential redevelopment approved under F/2013/0061/HYB and is currently under construction. The proposed development would share the access with the adjoining site.
7. The site benefits from significant screening along all of its boundaries. Kentford Lodge benefits from an extensive landscape setting with a mix of open fields/paddocks as well as wooded areas.
8. Kentford has a range of basic local services and facilities, which is the reason it has been designated as a Primary Village in Core Strategy Policy CS1. These include a post office and convenience store, two public houses (The Kentford and The Bell), St Marys Church and employment areas at the eastern and western ends of the village.

#### **Planning History:**

9. F/2013/0061/HYB – Hybrid application: Full application - erection of 98 dwellings and garages (including 30 affordable dwellings), creation of a new access onto Herringswell Road and upgrading of existing accesses onto Herringswell Road and Bury Road, the provision of amenity space and associated infrastructure. Outline application - erection of up to 579 square metres of B1 office employment space. (Major Development, Departure from the Development Plan and Development Affecting the Setting of a Listed Building) as amended by plans received on 05.09.2013 reducing the number of dwellings to 60 (inc. 18 affordable). - approved

#### **Consultations:**

10. **Public Health & Housing** – No objection subject to conditions

**Environmental Health (Contamination)** – No objection subject to standard contaminated land condition

**Suffolk Fire & Rescue** – No objection – offer Building Regs advice and request a condition to secure fire hydrant

**Suffolk County Council Archaeological Service** – No objection subject to conditions

**Strategic Housing Officer** – initially raised concern over location of affordable housing adjacent to adjoining site's affordable housing (approved under F/2013/0061/HYB) leading to a cluster of 27 such homes. This is contrary to the advice contained with the Affordable Housing SPD which seeks to create balanced and mixed communities. Concern is also raised over lack of smaller market houses for first time

buyers or those on lower incomes. However, following amendments to the scheme, the following final comments were made:

*'The Strategic Housing Team supports the above application in principle as it exceeds our CS9 policy of delivering 30% affordable housing. The affordable housing mix agreed will be delivered at our required tenure of 70% affordable rent and 30% shared ownership. The affordable housing units also meet the required minimum space standards set by our local Registered Providers.*

*This development will help contribute to the growing need for more affordable housing within the district of Forest Heath.'*

**Environment Agency** – Site located above Principal Aquifer, but proposal not considered to be high risk.

**Historic England** – recommend the application be determined in accordance with national and local policy guidance and specialist conservation advice

**Highways England** – No objection

**Natural England** – No objection

**Anglian Water** – No objection

**Suffolk County Council Flood and Water Management** – a number of queries raised in relation to original submission, however, following submission of amended details, no objection subject to a condition to secure a detailed surface water drainage scheme.

**Suffolk County Council Highways** – No objection subject to conditions

**Conservation Officer** – raised concerns about original submission – backward step following amendments made and approval given under F/2013/0061/HYB.

**Suffolk County Council Development Contributions Manager** – The development triggers the following infrastructure requirements:

- Primary school provision (Moulton) - £60,905
- Pre-school provision - £12,182

**Planning Policy** –

23.02.2016:

'The following key points can be taken from the above policy and background evidence context;

- The Council has demonstrated an up to date five year supply of housing land;
- The new application would increase the total number of homes on the site from 60 to 78, which is at the higher range of the number of dwellings that would be considered to have a 'significant impact' on the village (ICEA study, 2009);
- If this application were to be approved, the 579sqm of office space

approved under application F/2013/0061HYB would not be built, losing an economically sustainable element of the scheme;

- The application site lies outside the settlement boundary and within the countryside when assessed against the 1995 Local Plan. It falls partly outside the settlement boundary when assessed against the emerging Site Allocations Preferred Options Local Plan (although it is recognised that while this plan indicates the council's preferred direction of growth, this plan is at Regulation 18 stage and therefore carries limited weight);

- The application extends into an area of open countryside which is excluded from the settlement boundary in the 1995 Plan and in the emerging 2016 Site Allocations Preferred Options Local Plan, to ensure the continued protection of the setting of Kentford Lodge and the character and setting of the landscape within which it lies;

- The application could be considered premature as it has been submitted before the Core Strategy Single Issue Review and Site Allocations Local Plan have determined final housing numbers and distribution within the district.

To conclude, it will be for the case officer to balance the above planning issues particularly the number of recent commitments and completions in the village and the potential harm this may cause, with the requirement of the NPPF to deliver sustainable development.'

#### 14.11.2016:

Additional comments made:

- In the determination of F/2013/0061HYB the provision of employment uses had a positive impact on the overall planning balance and the application may not have been approved without it.

- The conversion of the estate office needs to be justified under policies CS6 and DM30.

- Benefits include the delivery of 9 affordable houses, benefits to the economy / construction industry from the development of new homes and to local business from the new households.

To conclude, it will be for the case officer to balance the above planning issues particularly the loss of employment land and buildings with the suggested benefits of the scheme and requirement of the NPPF to deliver sustainable development.'

#### 13.01.2017:

The applicants reference an appeal decision at Breach Drove in Beck Row in their letter dated 20th December 2016. Here the inspector concluded that the Council had not demonstrated that it had a 5 year housing supply. The Inspector has relied upon the Core Strategy housing provision rather than the OAN in making the calculation, which the Council do not consider is the appropriate approach. Neither does the Council consider it necessary to address the shortfall from 2001, as the SHMA takes a fresh assessment of need at 2011, thereby only shortfall from 2011 onwards would need to be addressed under the Sedgefield approach. The SHMA 2016 has regard to previous housing delivery rates and makes adjustments accordingly. The SHMA OAN for Forest Heath is 6800 dwellings, which is the appropriate figure to use in the 5 year supply

calculation.

This appeal decision is inconsistent with two other appeal decisions which accept that the 5 year supply has been demonstrated (March 2016); Meddler Stud, Kentford and Hatchfield Farm, Newmarket. All three appeal decisions cite the 5 year supply report dated March 2016.

A new 5 year supply report dated 22 December 2016 has since been published, which is based on housing commitments and completions as at 31st March 2016. This demonstrates the Council has a 6.4 year supply of housing land, including a 5% buffer (Liverpool approach) and 5.7 years when addressing the under supply in the first five years (Sedgefield approach).

The applicants also state 'The presence of a five year supply is still not a reason to object to this planning application when the development plan is out of date' however a recent case at the court of appeal (Gladman Developments Limited v Daventry District Council & Anr. Case Number: C1/2015/435) clarified that local plan policies are not "time-limited" and were not necessarily out of date or inconsistent with the NPPF just because they were adopted in the 1990's.'

**Suffolk Constabulary** – make design suggestions to improve overall standard of security

**Suffolk Wildlife Trust** – No objection – request the recommendations within the Ecology Report are implemented in full

**Ecology Tree & Landscape Officer** - 'Trees: The proposals include the removal of a number of B category trees to accommodate the development; in particular the avenue of lime trees forming the entrance to the site and a group of silver maples and plane tree. Given the already significant reduction of trees on this site, retention would have been beneficial given the contribution these trees could make to the amenity of the new environment.

Tree protection measures implemented, tree surgery undertaken as detailed in the Schedule of Trees and a detailed Arboricultural Method Statement & Tree Protection Plan should be submitted all as recommended in the arb report - secured by condition.

The landscape strategy shown on plan 1486A201C lacks detail and substance. The open space is not indicated on the plan – there is no informal supervision of this space and the intended use is questioned – it would be better to leave some of the existing trees?

If the application is to be approved, a full soft landscaping scheme to be provided prior to commencement.

Biodiversity - a condition is required in relation to the need for a bat licence as follows:

The following works: demolition of the Estate Office, and felling of category 2 trees likely to cause harm to bats and as identified in figure 2.1, 2.3 and photo 1 of the biodiversity survey and as shown on the demolition plan 012037SK01 shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by [the relevant licensing body] pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

The recommendations of the biodiversity report should also be conditioned, details of integrated swift brick and bat boxes to be submitted prior to commencement.

Natural England has confirmed in their letter of 26 January 2016 that although the site is just over 1km away from Breckland Farmland SSSI, it is separated by large transport links that would put residents off visiting the site and we were satisfied with the conclusions of the 2013 HRA which found that development in this location would not be likely to significantly affect Breckland SPA.'

**Economic Development** – 'Amended plans received on 15th August 2016 made changes to the above scheme including the loss of the 579sqm of office space approved under application F/2013/0061HYB. This application would see both the loss of this employment land and the existing estate office on a site identified in the Site Allocations Local Plan Preferred Options (April 2016) as a mixed use allocation for 60 dwellings and B1 office use.

The Forest Heath Employment Land Review, Final Report, October 2016 noted that:

- Office space within Forest Heath district is concentrated in and around Newmarket, Mildenhall and Kentford, with Kentford providing 16.9% of the current office space within Forest Heath.

- At another site in Kenford [Site EM2(h) Land south of Bury Road, Landwades Business Park] the ELR noted that:

The site is characterised by low vacancy rates and the wide range of floorspace offering would appear to be meeting a local market demand.

- In regards to the site of the application, the ELR noted that, the presence of a local bus stop also helps to increase the viability of the site for office use.

The ELR estimated that there was around 0.1ha of extant planning permission for B class development (comprising the planning permission put forward in 2013 F/2013/0061HYB) which appeared proportionate to the scale of demand that is likely to arise.

Therefore the loss of office use proposed in this application could create a shortfall in supply and inability to meet local market demand. It will be for the case officer to balance the above economic development issues, particularly the loss of employment land, and the suggested benefits of the scheme.'



## **Representations:**

11. **Kentford Parish Council** – having initially offered comments in support, they then raised objections following amended plans:

*'There must be no more houses approved in Kentford until the impact of the already approved housing developments has been assessed. In addition the change of plan removes the vital employment opportunities which was part of the original plans. We are concerned that this removal of employment opportunities is becoming a standard ploy as in the Kennett Park development.'*

Following the latest amendments, they make the following comments:

*'The PC repeats its concern that the recent approval of further local developments has increased future pressures on the infrastructure of the village. This makes it more challenging to support what has been a very village friendly project. We do however remain respectful of the way the developers are working with the village.'*

*It is vital in the new plans that great regard is given to the landscaping which impacts on the existing houses on Herringswell road. In addition, there must be careful consideration given to the impact on local roads, including the junction with Bury Road. The Parish Council would like an opportunity to work with the developers in every way possible to continue to enhance village life. These possibilities could include helping to develop a woodland walk along the river, an information board explaining the Anglo-Saxon finds, enhancing play provision in the village, and supporting extra traffic calming.'*

The only other comments received are from the owners of Regal Cottage – they would like to be reassured that the tall trees at the end of their garden would remain and a new taller fence installed to prevent overlooking from the development.

## **Policy:**

12. The Development Plan comprises the policies set out in the Joint Development Management Policies document (adopted February 2015), the Core Strategy Development Plan document (adopted May 2010) and the saved policies of the Forest Heath Local Plan (adopted 1995) and which have not been replaced by policies from the two later plans. The following policies are applicable to the proposal:

### **Joint Development Management Policies Document (2015)**

13. The following policies from the Joint Development Management Policies document are considered relevant to this planning application:

- DM1 – Presumption in Favour of Sustainable Development
- DM2 – Development Principles and Local Distinctiveness
- DM5 – Development in the Countryside
- DM6 – Flooding and Sustainable Drainage
- DM7 – Sustainable Design and Construction

- DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Importance.
- DM11 – Protected Species
- DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
- DM13 – Landscape Features
- DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- DM20 – Archaeology
- DM22 – Residential Design
- DM27 – Housing in the Countryside
- DM42 – Open Space, Sport and Recreation Facilities
- DM46 – Parking Standards

### **Core Strategy (2010)**

14. The Core Strategy was the subject of a successful legal challenge following adoption. Various parts of the plan were affected by the High Court decision, with Policies CS1 CS7 and CS13 being partially quashed (sections deleted) and section 3.6 deleted in its entirety. Reference is made to the following Core Strategy policies, in their rationalised form.

#### ***Visions***

- **Vision 1** – Forest Heath

#### ***Spatial Objectives***

- **Spatial Objective H1** – Housing provision
- **Spatial Objective H2** – Housing mix and design standard
- **Spatial Objective H3** – Suitable housing and facilities (life time homes)
- **Spatial Objective C2** – Provision and maintenance of open space, play & sports facilities and access to the countryside.
- **Spatial Objective C4** – Historic built environment.
- **Spatial Objective ENV1** – Habitats and landscapes and improving biodiversity.
- **Spatial Objective ENV2** – Climate change and reduction of carbon emissions.
- **Spatial Objective ENV3** – Promotion of renewable energy and energy efficiency.
- **Spatial Objective ENV4** – Design and architectural quality respecting local distinctiveness.
- **Spatial Objective ENV5** – Designing out crime and anti-social behavior
- **Spatial Objective ENV6** – Reduction of waste to landfill.
- **Spatial Objective ENV7** – Achieve sustainable communities by ensuring services and infrastructure are commensurate with new development.
- **Spatial Objective T1** – Location of new development where there are opportunities for sustainable travel.

## **Policies**

- **Policy CS1** – Spatial Strategy
- **Policy CS2** – Natural Environment
- **Policy CS3** – Landscape Character and the Historic Environment
- **Policy CS4** – Reduce Emissions, Mitigate and Adapt to future Climate Change.
- **Policy CS5** – Design Quality and Local Distinctiveness
- **Policy CS6** – Sustainable Economic Development and Tourism
- **Policy CS7** – Overall Housing Provision (Sub-paragraph 1 only. Sub paragraphs 2, 3, 4 and 5 were quashed by the High Court Order)
- **Policy CS9** – Affordable Housing Provision
- **Policy CS10** – Sustainable Rural Communities
- **Policy CS13** – Infrastructure and Developer Contributions

## **Local Plan (1995)**

15. A list of extant 'saved' policies is provided at Appendix A of the adopted Core Strategy (2010) and of those 'saved' policies subsequently replaced upon the Council's adoption of the Joint Development Management Policies Document (2015) are set out at Appendix B of that document.

- **Policy 14.1** – Securing Infrastructure and Community Facilities from Major New Developments.
- **Inset Map 11** (Kentford Development Boundary)

## **Other Planning Policy:**

### Supplementary Planning Documents

16. The following Supplementary Planning Documents are relevant to this planning application:

- Joint Affordable Housing Supplementary Planning Document (September 2013)
- Open Space, Sport and Recreation Supplementary Planning Document (August 2011)

### Emerging Development Plan Policy

17. The Council is presently out to consultation on Proposed Submission version for two Development Plan Documents (Single Issue Review of the Core Strategy and Site Allocations Document). Following further amendments to the document, informed in part by the outcome of public consultation, draft plans will be submitted to the Planning Inspectorate for examination and, ultimately, adoption. The plans, once adopted, will set out policies for the distribution of housing development in the District throughout the remainder of the plan period and positively allocate sites for development, including for housing.

18. With regard to the weight decision makers should afford to emerging plans, The National Planning Policy Framework (the Framework) advises (at Annex 1) from the day of publication, decision-takers may give weight to relevant policies emerging plans (unless material indications indicate otherwise) according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given)
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework, the greater weight that may be given.

19. The emerging Single Issue Review and Site Allocations documents have reached 'Proposed Submission' stage but, given the consultation period has only just begun, these emerging documents can be attributed only limited weight given the uncertainties that surround the content of the 'final' version of these documents. Members should note that, for the purposes of public consultation for the Site Allocations Document, the application site is not included as a Preferred Option for development. However, the northern half of the site falls within the revised settlement boundary within the Proposed Submission version (following the approval and implementation of the residential part of F/2013/0061/HYB).

#### National Policy and Guidance

20. The National Planning Policy Framework (the Framework) sets out government's planning policies for England and how these are expected to be applied.

21. Paragraph 14 of the Framework identifies the principle objective:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;
  - or specific policies in this framework indicate development should

be restricted.”

22. This presumption in favour of sustainable development is further reinforced by advice relating to decision-taking. Paragraph 186 of the Framework requires Local Planning Authorities to "approach decision taking in a positive way to foster the delivery of sustainable development". Paragraph 187 states that Local Planning Authorities "should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible".
23. The relevant policies of the Framework are discussed below in the officer comment section of this report.
24. The Government released its National Planning Practice Guidance (NPPG) in March 2014 following a comprehensive exercise to review and consolidate all existing planning guidance into one accessible, web-based resource. The guidance (which is constantly updated on-line) assists with interpretation about various planning issues and advises on best practice and planning process.

#### **Officer Comment:**

#### **Principle of Development**

##### National Policy context and Forest Heath's 5-year housing supply.

25. Paragraph 47 to the Framework states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area (as far as is consistent with policy), including identifying key sites which are critical to the delivery of the housing strategy over the plan period.
26. In addition, the Framework requires authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five-years worth of housing against their housing requirements with an additional buffer of 5% (or a 20% buffer if there is evidence of a persistent under-delivery of new housing) to ensure choice and competition in the market for land.
27. Paragraph 49 of the Framework states "*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites*".
28. The surviving extant elements of Core Strategy policy CS7 requires the provision of 6,400 new dwellings in the period 2001 – 2021 and a further 3,700 homes in the period 2021 – 2031. The housing numbers included in the plan is presently the subject of review as part of the emerging Single Issue Review document.

29. The latest 5-year housing supply assessment confirms the Council is presently able to demonstrate a 5-year supply of deliverable housing sites. Members will note that 4 of the 21 dwellings proposed by this planning application are included in current five-year supply forecasts as these were previously approved under F/2013/0061/HYB.

What is sustainable development?

30. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. It goes on to explain there are three dimensions to sustainable development:

- i) Economic (contributing to building a strong, responsive and competitive economy),
- ii) Social (supporting strong, vibrant and healthy communities) and,
- iii) Environmental (contributing to protecting and enhancing our natural, built and historic environment;)

31. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.

32. Paragraph 9 of the Framework further explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;
- moving from a net loss of bio-diversity to achieving net gains for nature;
- improving the conditions in which people live, work, travel and take leisure; and
- widening the choice of high quality homes.

Development Plan policy context

33. The surviving elements of Core Strategy policy CS7 provides for 11,100 dwellings and associated infrastructure in the plan period (2001 – 2031) and confirms development will be phased to ensure appropriate infrastructure is provided. Policy CS13 confirms the release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements from development.

34. Policy DM1 of the Joint Development Management Policies Document re-

affirms the tests set out at paragraph 17 of the NPPF (balancing the positives against the negatives). Policies DM5 and DM27 set out criteria against which development (DM5) and housing (DM27) proposals in the countryside will be considered.

Officer comment on the principle of development

35. The application site is situated outside the present settlement boundary of the village and is thus situated in the Countryside for the purposes of interpreting planning policy. The detailed settlement boundaries were set out in the 1995 Local Plan as Inset Maps. Local Plan policies providing for settlement boundaries (namely policies 3.1, 3.2, 3.3 and, indirectly, the Inset Maps of the 1995 Local Plan) were replaced by policy CS1 of the Core Strategy upon adoption in 2010. Policy CS1 (and other Core Strategy policies), refer to settlement boundaries, but the document itself does not define them. Settlement boundaries are included on the Policies Map accompanying the Joint Development Management Policies Document (2015) and thus do have Development Plan status. The settlement boundaries are illustrated at a large scale on the Policies Map such that it is difficult to establish their detailed alignment. The settlement boundaries included on the Policies Map were not reviewed prior to adoption of the Joint Development Management Policies Document and thus have not been altered from the 1995 Local Plan Inset Maps. Accordingly, it is reasonable to read the Policies Map and Local Plan Inset Maps together to establish the precise locations of the settlement boundaries.
36. Core Strategy policy CS10 confirms the settlement boundaries will be reviewed as part of the emerging Site Allocations Development Plan Document. That said, the 'Proposed Submission' version of the Site Allocations Local Plan extends the settlement boundary at Kentford to include part of the application site (following approval of F/2013/001/HYB) but only limited weight can be attributed to this emerging position at the present time. Officers consider the requirement in Core Strategy CS10, combined with the fact that settlement boundaries and policies underpinning them, have not been reviewed since the introduction of the NPPF means the current settlement boundaries are to be afforded reduced weight (but are not to be overlooked altogether) in considering planning applications until the review within the Site Allocations Plan progresses and can be attributed greater weight.
37. A key determining factor will be whether the proposed development can be deemed 'sustainable' in the context of the policies contained in the Framework (as a whole) and even if it is concluded the proposals would not be 'unsustainable' following analysis, further consideration must be given to whether the benefits of development are considered to outweigh its dis-benefits, as required by the Framework. Appropriate weight should be attributed to relevant policies in the Core Strategy, with greater weight attributed to those policies consistent with national policies set out in the Framework.
38. A balancing analysis is carried out towards the end of this section of the report as part of concluding comments. An officer discussion to assist with

Members consideration of whether the development proposed by this planning application is 'sustainable' development is set out below on an issue by issue basis.

### **Impact upon the countryside**

39. The Framework confirms the planning system should (inter alia) protect and enhance 'valued landscapes' and promotes development of previously used land but other than continuing protection of formal Greenbelt designations (of which there are none in Forest Heath) and recognising the hierarchy of graded agricultural land, national policy stops short of seeking to protect the 'countryside' from new development in a general sense.
40. Core Strategy Policies CS2 and CS3 seek to protect, conserve and (where possible) enhance the quality, character and local distinctiveness of the landscape and refers to the Forest Heath Landscape Character Assessment to inform detailed assessment of individual proposals.
41. Policy DM13 of the Joint Development Management Policies Document seeks to protect the landscape character (including sensitive landscapes) from the potentially adverse impacts of development. The policy seeks proportionate consideration of landscape impacts and calls for the submission of new landscaping where appropriate.
42. The proposals for residential development in the countryside are thus contrary to extant Development Plan policies which seek to direct such development to locations within defined settlement boundaries or allocated sites. As stated above, the settlement boundaries are to be afforded reduced weight in considering this planning application.
43. The impact of the development proposals upon the landscape qualities and character of the wider countryside is largely mitigated by existing mature planting on site boundaries, including the roadside boundary to Herringswell Road and the A14. The impact of the proposed development upon the landscape is, on balance, considered acceptable with any significant adverse effects capable of mitigation via the introduction of new landscaping. Details of proposals for the landscaping of the site are shown on the Landscape Strategy plan, the details of which can be secured by condition.

### **Sustainable transportation (accessibility) and impact upon the local highway network (highway safety).**

44. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes giving people a real choice about how they travel. There is, however, recognition that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
45. It is Government policy that planning decisions should ensure developments that generate significant movement are located where the



need to travel will be minimised and the use of sustainable modes of transport can be maximised. However, the Framework confirms this policy needs to take account of other policies in the document, particularly in rural areas.

46. The Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised recognising that this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.
47. Core Strategy Spatial Policy T1 aims to ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel. This is reflected in Policies CS12 and CS13 which confirms the District Council will work with the partners (including developers) to secure necessary transport infrastructure and sustainable transport measures and ensure that access and safety concerns are resolved in all developments.
48. Policy DM46 sets out parking standards for new development proposals (and links to Suffolk County Council's adopted standards (November 2014)).
49. The Highways Authority have considered the Transport Strategy submitted with the application. As amended, the development proposed meets all the required standards. The main access into the site remains as previously approved under F/2013/0061/HYB. No objections are therefore raised, subject to a number of conditions. Whilst noting the comments of the Parish Council in relation to traffic calming, the impact of the proposed modest development of 21 dwellings upon the highways network is considered acceptable.

### **Impact upon natural heritage**

50. The Framework confirms the planning system should contribute to and enhance the natural environment by (inter alia) minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations. The presumption in favour of sustainable development set out at paragraph 14 of the Framework does not apply where development requires appropriate assessment under the Birds or Habitats Directives.
51. Spatial Objective ENV1 of the Core Strategy aims to conserve and enhance the habitats and landscapes of international, national and local importance and improve the rich biodiversity of the District. This objective forms the basis of Core Strategy policy CS2 which sets out in greater detail how this objective will be implemented.

52. Policy DM10 of the Joint Development Management Policies Document sets out more detailed provisions with respect to the impact of development upon sites of biodiversity and geodiversity importance. Among other things, the policy introduces (in a local policy sense) the need to consider cumulative impacts upon these interests. Policy DM11 addresses proposals that would have an impact upon protected species. Policy DM12 sets out requirements for mitigation, enhancement, management and monitoring of biodiversity. The policy states that all new development (excluding minor householder applications) shown to contribute to recreational disturbance and visitor pressure within the Breckland SPA and SAC will be required to make appropriate contributions through S106 Agreements towards management projects and/or monitoring of visitor pressure and urban effects on key biodiversity sites.
53. Policy DM44 states improvements to rights of way will be sought in association with new development to enable new or improved links to be created within the settlement, between settlements, and/or providing access to the countryside or green infrastructure sites as appropriate.

#### Impact upon internationally designated sites

54. The site is just over 1km away from the Breckland Farmland SSSI, however, it is separated from the site by the A14. Natural England required a project level Habitats Regulations Assessment for the site approved under F/2013/0061/HYB. This concluded that the development would not have a significant adverse impact on Stone Curlew (the interest feature the Breckland SPA). This was accepted by Natural England and they have again confirmed that development in the proposed location would not be likely to significantly affect the SPA.

#### Protected species.

55. The planning application was accompanied by an Ecology Report (dated December 2015) which recommended;
- A Natural England European Protected Species (EPS) licence should be obtained to legally enable the future demolition of the Estate Office, and can only be obtained once full planning permission is issued.
  - Removal of any remaining Category 2 trees should take place after they have been inspected from above ground by a licensed bat worker working from a cherry picker. The remaining trees and shrubs can be felled without restriction as they are not considered to have potential to support roosting bats.
  - Removal of the tall ruderal covered compost heap should take place outside of the months of May to August to avoid potential adverse impacts on egg-laying grass snake. Alternatively, a reptile survey could be completed to verify grass snake absence from the site.
  - Any hedge or woodland clearance should take place outside of the bird breeding season (March to August) to avoid adverse

impacts on nesting birds and their dependant young, or following a check by an experienced ornithologist that verifies nesting bird absence from the site at other times.

- Consideration should be given to the incorporation of swift nest bricks and enclosed bat boxes into new dwelling houses as a biodiversity enhancement measure.

56. Officers are satisfied that the development proposals would not adversely affect important sites of ecological interest in the area and would not harm populations or habitats of species which are of acknowledged importance (protected or unprotected). The implementation of the recommendations set out in the Ecology report could be secured by planning condition.

### **Impact upon trees**

57. The application site is bounded to the north, south and west by a belt of mature trees which provides a distinctly rural character to the site. The planting is an attractive feature, an important asset for the site and serves to soften the visual impact of the existing village upon the countryside beyond. The planting marks a transition between the countryside and the urban form of the village. Officers consider it is vital that as much of the vegetative cover as possible is retained along site boundaries as part of these development proposals.

58. The application includes tree survey information identifying the tree specimens that would need to be felled to make way for the development. This information has been assessed and the loss of a number of category B specimens is noted by the Ecology Tree & Landscape Officer. The retention of these trees would be beneficial given the contribution these trees could make to the amenity of the new environment. However, substantial new landscaping is proposed within the site which would mitigate the loss of trees. New planting can be secured by condition. The impact of the development upon existing trees is therefore considered acceptable.

### **Impact upon built heritage**

59. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such as Listed buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas and also various undesignated assets including archaeological sites and unlisted buildings which are of local historic interest.

60. The Framework advises that LPA's should require an applicant to describe the significance of any heritage assets affected, the level of detail being proportionate to the importance of the asset and sufficient to understand the potential impact upon their significance.

61. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3.
62. Policy DM17 of the Joint Development Management Policies Document sets out detailed criteria against which proposals within, adjacent to or visible from a Conservation Area will be considered. Policy DM20 sets out criteria for development affecting Scheduled Ancient Monuments and/or archaeological sites (including below ground sites).
63. The development proposals would not impact upon any listed buildings. The Conservation Officer considered that the revised Heritage Statement (2015) submitted with the current application continues to devalue the merits of the Lodge and associated buildings (as it did at the time application F/2013/0061/HYB was considered) and fails to recognise the value of the rural nature of the setting of the Lodge on its eastern side. This land was acquired in 1894 so is an established part of the curtilage and setting of the building. Despite phases of alteration, the Lodge still displays the characteristics of a traditional building. Whilst it may not meet Historic England's listing criteria, it is nevertheless an attractive building and its architectural simplicity, which has been considered to be detrimental to its significance, is in fact, typical of early 19<sup>th</sup> century buildings of this type and part of its character. The fact that the stable yard and Lodge have no inter-visibility does not diminish the significance of the group – stable yards are frequently enclosed with no inter-visibility with the main house.
64. The Conservation Officer goes on to note that the individual significance of the buildings to the north of the Lodge have still not adequately assessed in the Heritage Statement. Setting aside their individual merits, however, the introduction of development into this part of the curtilage of the Lodge would erode its separation from the proposed development and diminish its established rural setting.
65. Following amendments to the scheme in order to maintain the 'green' approach to Kentford Lodge, the layout of the proposed development has been changed to reduce its impact on the setting of the building. In addition, the existing stable and office buildings which form a courtyard to the north of Kentford Lodge are to be converted to residential use (and not demolished as previously proposed).
66. The revised plans allow the access to Kentford Lodge from the east to still reflect its rural location and setting. On this basis, the Conservation Officer has no objection to the revised plans subject to a condition to secure material details.
67. The Archaeological Service at Suffolk County Council has been consulted on the planning application and raise no objections subject to conditions. Further archaeological investigations and recordings can be secured by means of appropriately worded planning conditions.
68. The development proposals would therefore have no significant impacts

upon heritage assets.

### **Flood risk, drainage and pollution**

69. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
70. The Framework states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
71. Core Strategy Policy CS4 states the Council will support development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere. The policy confirms sites for new development will be allocated in locations with the lowest risk of flooding (Environment Agency Zone 1 flood category) and will seek the implementation of Sustainable Urban Drainage Systems (SUDS) into all new development proposals, where technically feasible.
72. Policy DM6 of the Joint Development Management Policies Document requires the submission of flood information, including SUDS drainage where possible, to accompany planning applications for development. Policy DM14 seeks to protect proposed development from existing 'pollution' sources and existing development from proposed 'pollution' sources. This includes noise, light and air pollution. The policy also requests the submission of information and sets out requirements for remediation for development proposals of potentially contaminated land.
73. The application site is in Flood Zone 1 (low risk of flooding). The latest surface water flood map does show a small area of the site to be potentially liable to some surface water ponding. The areas of pooling indicated within the site boundary are however relatively limited and not considered to pose a notable threat to the proposals. The County Flood and Water Management team raise no objection and recommend a detailed surface water drainage scheme to be submitted and agreed which can be secured by condition.
74. The planning application is accompanied by an Envirocheck Report. The remediation strategy prepared for F/2013/0061/HYB by PBA dated Nov 2015 covers the main site and strongly recommends gas protection measures to be installed at new properties in the north east of that site. In order to be ensure that the protection to human health of future residents on the proposed site, Environmental Health recommend a standard contaminated land condition.
75. The Environment Agency (risk of flooding, contamination and pollution control and drainage), Anglian Water Services (drainage and pollution

control) Council's Environmental Health Team (contamination and pollution control) and the Floods Team at Suffolk County Council have not objected to or raised concerns about the application proposals. All have recommended the imposition of reasonable conditions upon any planning permission to secure appropriate mitigation.

76. The proposals are considered acceptable with regard to flood risk, surface water drainage and pollution (contaminated land and potential contamination of water supply and air quality) considerations.

### **Impact upon education**

77. The County Council as Local Education Authority has confirmed a contribution of £60,905 would be required to fund places at the catchment primary school (Moulton). A further contribution of £12,182 is also sought for 2 pre-school places.

78. The County Council has confirmed there is sufficient capacity at existing secondary schools to accommodate pupil yields forecast to emerge from these development proposals. These contributions would be secured through a s106 agreement.

### **Design and Layout**

79. The Framework states the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

80. Policies CS5 and CS13 require high quality designs which reinforce local distinctiveness and take account of the need for stronger and safer communities. Policy CS5 confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable.

81. Policy DM2 of the Joint Development Management Policies Document sets out general design criteria to be applied to all forms of development proposals. DM7 does the same, but is specific to proposals for residential development.

82. The amended scheme allows for the conversion and extension of the estate office and stable buildings to the north of Kentford Lodge to create 2 dwellings. This is a far more sympathetic solution than what was originally submitted. The 9 affordable units are to the north of the site and front onto the main access into the site. The units are split into 2 terraces, with an access to the rear between the 2 serving a parking area for 19 cars. The design of the dwellings is simple, with varied roof heights and gable details to break up the massing and add visual interest.

83. To the south of the affordable units is a group of 8 dwellings; a mix of detached, link detached and semi-detached dwellings also served off the main access into the site. These units are again of a simple form designed in a u-shape as converted farmhouse, barns and rural cottages. Each dwelling has adequate private amenity space and off road parking which meets the County Council's required standards.
84. Plot 1 is separate from the remainder of the development, accessed from another access off Herringswell road to the south of the main access. This access also serves Kentford Lodge. Plot 1 is a large detached dwelling within a much larger, spacious landscaped plot, fronting Herringswell Road. It also has a large detached garage.
85. The design and layout of the amended scheme proposed is considered acceptable.

### **Impact upon residential amenity**

86. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) good planning should contribute positively to making places better for people. The Framework also states that planning decisions should aim to (inter alia) avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.
87. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. The amended proposals ensure proposed dwellings relate appropriately to all existing dwellings adjacent to the site.
88. The closest relationship to off site properties is to the south. The side elevation of plot 1 stands approx. 40m away from the rear elevation of Regal Cottage and Braeburn Cottage. There are first floor south facing windows within the rear projection of plot 1, but the back to back stand off distance to Regal Cottage is still 48m which is acceptable. There is also a substantial belt of trees between the 2 which would be retained. Appropriate boundary treatment can be secured by condition to ensure privacy is maintained.
89. Environmental Health has recommended a number of conditions, including the requirement for a construction method statement and restricted construction hours, in order to minimise any potential noise and disturbance to nearby residential properties during the construction of the development. The proposals in this respect are acceptable.

### **Impact from the A14**

90. The A14 runs along the northern boundary of the site. The air quality assessment that has been carried out concludes that due to the set back of houses from the edge of the site (by approx. 19m at the closest point) which is also set back and elevated from the A14, the potential exposure of future occupants is unlikely to exceed the National Air Quality Strategy Objectives for nitrogen dioxide and particulate matter, so is considered

acceptable.

91. The other major impact to consider is noise. A noise report accompanied the application. A 3.3m acoustic barrier fence is proposed along the boundary with the A14. This will also benefit existing residents in the village. The majority of the site at present is classed as noise category B. The new fence will result in the site being classed within categories A and B. Details of the exact position and type of fence can be secured by condition. The agent also notes that there are other houses in similar proximity to the A14 which do not benefit from such attenuation measures or boundary screening. They also note that there are other examples of developments along the A14 which are much closer. The Affordable Housing plots on the northern side of the site are relatively close to the A14, however, this relationship is no different to that which was approved on the site to the west (under F/2013/0061/HYB).

### **Sustainable construction and operation**

92. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans "policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change".

93. The Framework confirms planning has a key role in helping shape places to (inter alia) secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development.

94. The document expands on this role with the following policy:

*In determining planning applications, local planning authorities should expect new development to:*

- *comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*

95. The importance the Government places on addressing climate change is reflected in the Core Strategy Visions (Vision 1) and Spatial Objectives (ENV2 and ENV3). Core Strategy Policies CS4 and CS5 set out requirements for sustainable construction methods.

96. Policy DM7 of the Joint Development Management Policies Document reflects the up-to-date national planning policy on sustainable construction and places lesser requirements upon developers than Core Strategy Policy CS4. Policy DM7 requires adherence to the broad



principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular (for residential schemes) requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).

97. The documentation submitted in support of this planning application includes an Energy Statement within the Design & Access statement. This sets out how the scheme has been designed to accord with DM7. This includes water efficiency measures that would be implemented.

98. The Building Regulations allow for more stringent standards to be applied to water use in new development (matching the 110 litres use per person requirement set out in Policy DM7) on the proviso there is a planning condition that also requires those more stringent measures to be achieved. It is no co-incidence that policy DM7 of the Joint Development Management Policies Document requires more stringent water use requirements to match those applied by the Building Regulations. The evidence and justification for the application of tougher water use measures forms part of the evidence base of the Development Plan and, with respect to the requirements of Policy DM7, has recently been the subject of examination. Accordingly, it is appropriate to impose a planning condition requiring the more stringent Building Control (and Policy DM7) water use measures to be incorporated into the construction and fitting out of this development.

### **Other Matters**

99. The affordable housing located to the north of the site is where the previously approved B1 Office accommodation was proposed and approved under F/2013/0061/HYB. This enhanced the sustainability credentials of the site when it was assessed. The applicant argues that rents that can be obtained locally for offices are not at a sufficient level to fund the build. During the progress of the Site Allocations Local Plan document, at Preferred Options stage the Kentford Lodge site was allocated as a preferred mixed use site. The document is now at submission stage and shows only the settlement boundary extended to include the Kentford Lodge site (as approved under F/2013/0061/HYB and now under construction). Economic Development have also noted in their response that the loss of the office use approved could create a shortfall in supply and inability to meet local market demand. Whilst these concerns are noted, there are no policy grounds to require the delivery of the approved B1 office use on the site. There is no employment allocation on the site within either the existing or the emerging local plan.

100. In relation to the existing estate office on the site and whether consideration should be given to its loss as an employment use, the agent argues that this office is used as a home office for Kentford Lodge, not as a commercial office (although it was once used as the farm office to house the farm records), so the employment protection policies do not apply as the building is not in employment use. This is accepted by Officers.

## **Planning Obligations**

101. The Framework repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. The tests are that planning obligations should:

- be necessary to make the development acceptable in planning terms.
- be directly related to the development, and
- be fairly and reasonably related in scale and kind to the development.

102. The Framework also states that pursuing sustainable development requires careful attention to viability and costs, such that sites should not be subject to a scale of obligations that their ability to be developed viably is threatened.

103. The Framework advises that in order to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

104. Core Strategy Spatial Objective ENV7 seeks to achieve more sustainable communities by ensuring facilities, services and infrastructure are commensurate with development. Core Strategy Policy CS13 sets out requirements for securing infrastructure and developer contributions from new developments.

105. No claim to reduce the level of contributions on viability grounds has so far been claimed by the applicants and a viability assessment has not been submitted. The recommendation (at the end of this report) therefore assumes the development will appropriately mitigate its impact and provide a fully policy compliant package of measures.

106. The following developer contributions are required from these proposals:

### Affordable Housing

107. The Framework states that local planning authorities should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing. It also states that policies should be set for meeting the identified need for affordable housing, although such policies should be sufficiently flexible to take account of changing market conditions.

108. Core Strategy Spatial Objective H2 seeks to provide a sufficient and appropriate mix of housing that is affordable, accessible and designed to a high standard. Core Strategy policy CS9 requires 30% of the proposed dwellings (6.3 dwellings in this case) to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106). The scheme provides for 9 affordable homes on site which is 42.9% of the total. Considering 4 of the dwellings were essentially already approved under F/2013/0061/HYB (and therefore an affordable housing contribution already made in relation to these), the applicant argues that this scheme actually provides 52.9% (9 of the net gain of 17 units).

109. The provision is supported by the Strategic Housing Officer and the mix and tenure have been agreed. The provision of affordable housing on the site represents a benefit, weighing in favour of the scheme.

#### Education

110. The Framework states the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

111. Core Strategy Policy CS13 (b) considers educational requirements as a key infrastructure requirement. This is built upon, in a general sense, in Policy DM41 of the Joint Development Management Policies Document which states (inter alia) the provision of community facilities and services will be permitted where they contribute to the quality of community life and sustainable communities. The policy confirms, where necessary to the acceptability of the development, the local planning authority will require developers of residential schemes to enhance existing community buildings, provide new facilities or provide land and financial contributions towards the costs of these developments, proportional to the impact of the proposed development in that area (through conditions and/or S106 Agreements).

112. The Local Education Authority (Suffolk County Council) has confirmed there is no capacity at the existing primary school to accommodate the additional pupils forecast to be resident at the proposed development and has requested financial contributions from this development. It has also confirmed a need for the development to provide a contribution to be used towards pre-school provision in the area to cater for the educational needs of pre-school children (aged 2-5) that are forecast to emerge from the development. The Authority has confirmed there is no requirement for a contribution to be secured for secondary school provision. The justification for these requests for financial contributions and the amounts are set out at paragraphs 101 and 102 above.

### Public Open Space

113. The Framework confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
114. Core Strategy Spatial Objective CS2 seeks to promote an improvement in the health of people in the District by maintaining and providing quality open spaces, play and sports facilities and better access to the countryside. Policy CS13 (g) considers provision of open space, sport and recreation as a key infrastructure requirement.
115. Policy DM42 of the Joint Development Management Policies Document states proposals for the provision, enhancement and/or expansion of amenity, sport or recreation open space or facilities will be permitted subject to compliance with other policies in the Development Plan. It goes on to state where necessary to the acceptability of development, developers will be required to provide open space and other facilities or to provide land and financial contributions towards the cost and maintenance of existing or new facilities, as appropriate (via conditions and/or S106 Agreements).
116. These Development Plan policies are expanded upon via the adopted Supplementary Planning Document (SPD) for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance. Whilst this is a major development of 21 units (a significant proportion of which delivers affordable housing on site), it relates well to the adjoining site to the west which delivered more than what was required by the SPD. On this basis, no further on site provision is required. The landscaped area to the north of plot 1 will essentially be garden and privately owned. There is a small area at the main site entrance which will be an informal area of open space managed by a management company. This can be secured by condition. The proposals in this respect are acceptable.

### Summary

117. With these provisions in place the effects of the proposal on local infrastructure, including affordable housing and education would be acceptable. The proposal would comply with Core Strategy Policy CS13 by which the provision or payment is sought for services, facilities and other improvements directly related to development.

### **Conclusions and Planning Balance:**

118. Saved 1995 Local Plan policies for new housing developments, including the settlement boundaries contained in the document are to be attributed reduced weight in the decision making process (for reasons set out at paragraphs 35 and 36 above). Relevant housing policies set out in

the Core Strategy are consistent with the NPPF and, in your officers view, carry full weight in the decision making process. Latest evidence confirms the Council is able to demonstrate an up-to-date 5 year supply of deliverable housing sites which means policies in the Core Strategy relating to the supply of housing are not automatically deemed out of date. This proposal is for housing in the countryside as defined by the existing settlement boundary on the village. The emerging site allocations Local Plan document extends the settlement boundary to include the northern part of the site. On this basis, the proposals are in conflict with the development plan which is a factor which weighs against the scheme.

119. The proposed development is considered broadly compliant with the provisions of the adopted Core Strategy insofar as it proposes new residential development in a Primary Village as defined by Core Strategy Policy CS1. Furthermore, the proposals must be considered in the light of the surviving requirements of Core Strategy policy CS7 which sets a target of delivering just over 11,000 new homes in the District between 2001 and 2031. Further weight is added to the acceptability in principle of the proposed development in the light of national planning policies set out in the Framework. Of particular reference is the desire to *boost significantly the supply of housing and approve development proposals that accord with the development plan without delay.*
120. With this background in mind, and in particular in the absence of a fully adopted Development Plan document identifying sites to deliver the housing targets of Core Strategy Policy CS7, national planning policy is clear that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. There are no specific policies in the Framework that direct that this development should be restricted. Officers consider that national planning policies set out in the Framework should be accorded significant weight as a material consideration in the assessment of this planning application, especially the presumption in favour of sustainable development.
121. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as housing has an effect on economic output both in terms of construction employment and the longer term availability of housing for workers and increased population which leads to higher local spend and general economic growth.
122. In terms of the social role of sustainability the development would enhance the local community and provide a level of much needed market and affordable housing to meet the needs of present and future generations. The development could result in a built environment of high quality. The proposal would rely on, and to an extent support and enhance, the viability and accessibility of existing local services, both within Kentford and further afield.
123. In relation to the environmental role Officers are satisfied the proposed development would have no significant effects on European

designated sites. It is self-evident that the landscape would be changed as a result of the proposal albeit this would only be perceptible at the immediate location of the application site and its close surroundings. This would be the case for any development on a greenfield site - which will inevitably have to happen in order to meet the housing needs of the District. Good design and the retention of existing vegetation and provision of new planting to sensitive parts of the site would satisfactorily mitigate these effects.

124. The progress of the LDF has been slow to date owing largely to the successful challenge of the Core Strategy (CS7) in the High Court, and the content of the final documents (including the location of sites allocated for development) remains uncertain, given that the Single Issue Review and Site Allocation documents are yet to be adopted or submitted for adoption. In any event, there is no evidence to suggest approval of the proposals would be premature to or prejudice emerging Development Plan documents.

125. To the limited extent that the evidence demonstrates material considerations against the proposal – essentially relating to the location of the site outside the settlement boundary and the limited local landscape effects, the benefits of development; the delivery of a number of new homes, including a policy compliant proportion of affordable homes would outweigh those concerns (dis-benefits) and on balance, points towards the grant of planning permission.

**Recommendation:**

126. Full planning permission be **GRANTED** subject to:

1) The completion of a S106 agreement to secure:

- (a) Policy compliant affordable housing (30%).
- (b) Pre-school contribution (£12,182).
- (c) Primary school contribution (£60,905)

And

2) subject to conditions, including:

- 1. Time limit (3 years for commencement)
- 2. Materials to be submitted and agreed
- 3. Acoustic barrier to northern boundary
- 4. Sound attenuation
- 5. Restrict demolition and construction times
- 6. Construction and site management programme to be submitted and agreed
- 7. Fire Hydrant provision
- 8. Archaeological Investigation
- 9. Archaeological post investigation assessment
- 10. Standard contaminated land condition
- 11. Details of access to be submitted and agreed (AL2)

- 12.Details of bin storage and collection areas (B2)
- 13.Details of estate roads and footpaths (ER1)
- 14.No occupation until roads and footpaths constructed to at least binder course level (ER2)
- 15.Parking to be provided and retained (P1)
- 16.Details of secure cycle storage to be submitted and agreed (P2)
- 17.Provision of visibility splays (V2)
- 18.Details of boundary treatment
- 19.Hard and Soft landscaping to be agreed
- 20.Landscape management plan to be submitted and agreed
- 21.Tree protection measures implemented, tree surgery undertaken as detailed in the Schedule of Trees and a detailed Arboricultural Method Statement & Tree Protection Plan to be submitted (as recommended in the arb report)
- 22.Recommendations of the biodiversity report to be implemented, including details of integrated swift brick and bat boxes to be submitted and agreed prior to commencement.
- 23.Water efficiency (DM7)
- 24.Detailed surface water drainage scheme to be submitted and agreed
- 25.Compliance with approved plans

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NZR5YNPDM6F00>